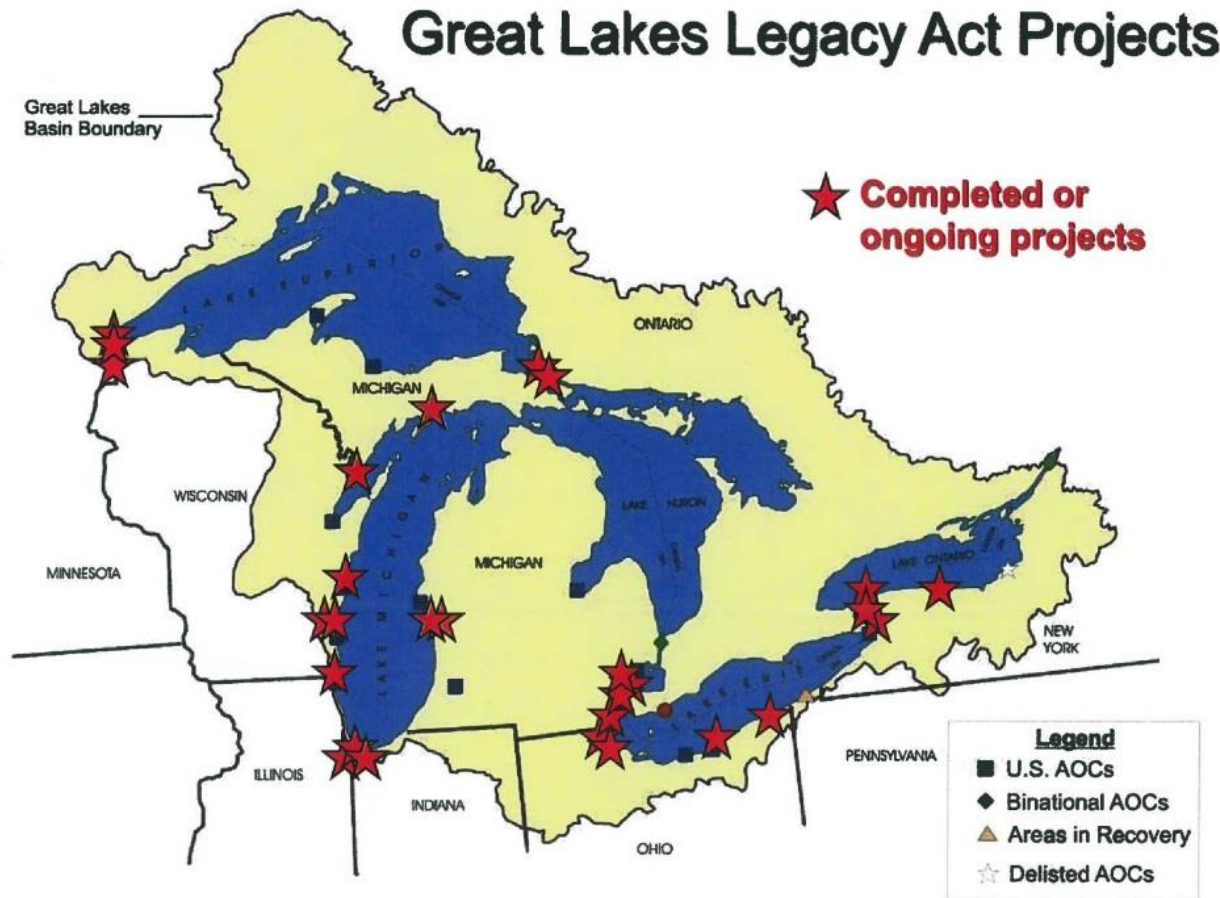


## Great Lake Legacy Act – Industry Perspectives

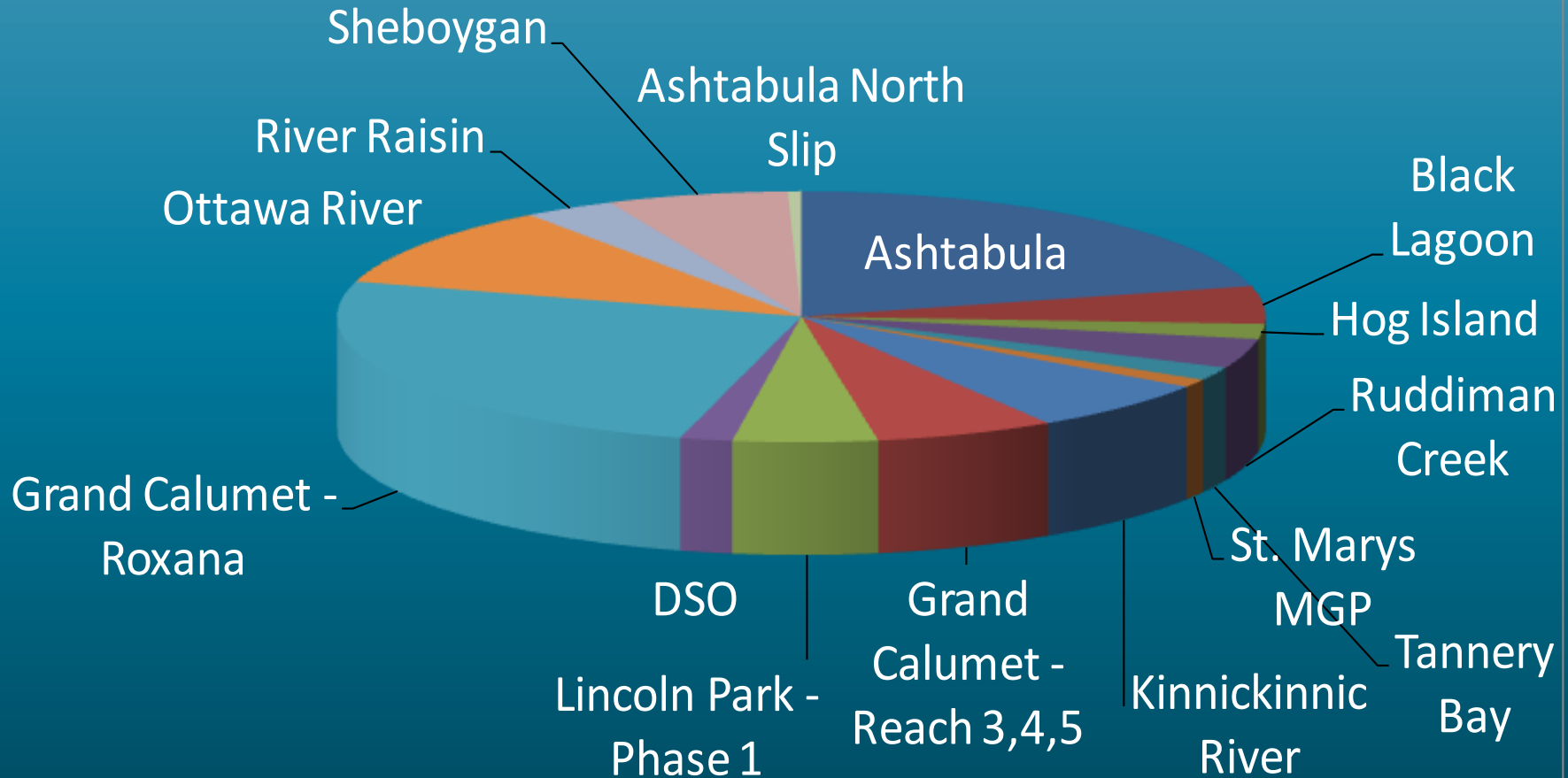
Panel, Great Lakes  
Area of Concern Conference  
Dearborn, Michigan  
March 3, 2016

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# Great Lakes Legacy Act



# GLLA Remediation to date:



**2,370,500 cubic yards remediated**

# Industries (36) Involved in GLLA Projects

- ♦ DuPont Co.
- ♦ GenCorp Inc.
- ♦ Honeywell International Inc.
- ♦ Illinois Tool Works, Inc.
- ♦ United Technologies
- ♦ Allied Waste Industries, Inc.
- ♦ Phelps Dodge (Now Freeport-McMoRan)
- ♦ Cabot Corp
- ♦ Detrex Corp
- ♦ XIK Corp
- ♦ Consumers Energy
- ♦ Varta Microbattery, Inc.
- ♦ The Mosaic Co.
- ♦ BP-Husky Refining
- ♦ BASF Corp.
- ♦ Arkema Corp
- ♦ Wisconsin Public Service
- ♦ Pollution Risk Services
- ♦ Cleveland Illuminating Co.
- ♦ Mallinckrodt Inc
- ♦ Millennium Inorganic Chemicals
- ♦ Ohio Power
- ♦ Olin Corp
- ♦ Occidental Chemical
- ♦ RMI Titanium Co
- ♦ Sherwin Williams
- ♦ Union Carbide
- ♦ CBS Operations (Viacom Intl)
- ♦ Elkem Metals
- ♦ Perstorp Polyols, Inc.
- ♦ Chevron USA
- ♦ Sunoco, Inc
- ♦ Pilkington North America
- ♦ U.S. Steel
- ♦ Ford
- ♦ Tyco

# Great Lakes Legacy Act

Goal: *Accelerate* the pace of sediment remediation at Areas of Concern (AOCs)

Mechanism: Use *partnerships* as an innovative approach to conducting sediment remediation

Minimum 35% Non-Federal *match* required

# Alternate Approach – Great Lakes Legacy Act

- Enacted in November 2002 (Pub. L. 107-303)
- Reauthorized and amended in October 2008 (Pub. L. 110-365)
  - Bipartisan support
  - Collaborative effort by industry and environmental groups
- Purpose: Jump start sediment cleanups in Great Lakes Areas of Concern by partially funding public-private partnerships

# Categories of Projects

- Remediation (up to \$50 M / yr authorized)
  - Requires 35% to 50% non-federal match for remedial activities
  - Requires 100% non-federal funding for operation and maintenance
- Site Characterization (not more than 20% of the funds appropriated for remediation projects)
  - No non-federal match required
  - Only one site assessment per discrete site

# Priorities For Use Of GLLA Funding

- Projects that will use an innovative approach, technology or technique that may provide greater environmental benefits, or equivalent environmental benefits at a reduced cost
- Projects that include remediation to be commenced not later than one year after the date of receipt of funds
- Projects that are “ready to go”

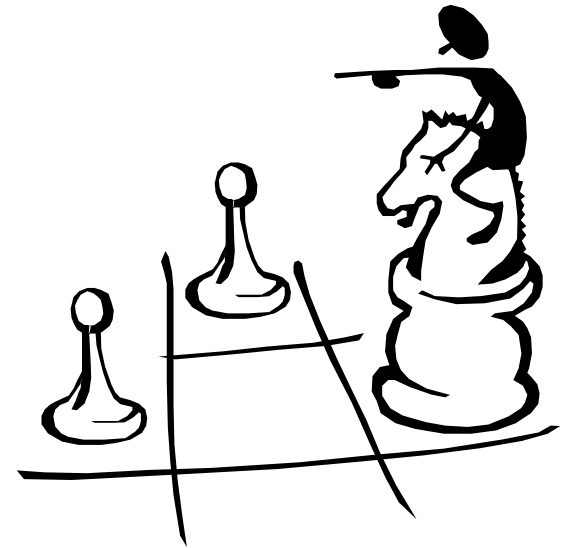


# Seeking GLLA Funds

- Consider whether GLLA funds may be available early in a site's life span and strategically plan to avoid or minimize the hurdles to obtain GLLA funds for a site involving a PRP or PRPs
- GLNPO accepts proposals on an on-going basis
- GLNPO appropriated funds are being fully utilized each year – submit early!

# Advantages Over CERCLA/RCRA

- Accelerate progress at sites
  - Don't get bogged down in CERCLA/RCRA/State Clean-up process issues (saves transaction costs)
  - Don't spend time negotiating lengthy AOC or CD
- Creative, collaborative, can-do partner in GLNPO
  - Focus on efficiently reducing risk with the limited resources that are available
- Cost share
- Off ramps, if necessary
- Restoration component can jump start NRD



# Advantages Over CERCLA/RCRA

- GLNPO is an active problem-solver and can assist with challenging stakeholder issues
- Common goal is to complete risk–reduction projects while funding is available
  - All parties motivated
  - GLNPO has a “stake in the game”
  - No stipulated penalties
- Industry has embraced the Legacy Act Program and has participated as a non-federal partner at many sites in Areas of Concern

# Limited Disadvantages

- No covenant not to sue
- No funding guarantee until Project Agreement signed
- Annual funding subject to Congressional appropriations
- Greater competition for available annual funding
- Limited involvement in GLNPO's procurement
- Government contractor costs tend to be higher than the private sector



# Value of GLLA

- GLNPO is a great partner
  - Expertise
  - Creative problem-solving
  - Focus on results, not process
  - Efficiency
  - Earlier site remediation
  - Funding
  - Sensible Remedies
  - Stakeholder assistance



# Examples of Successful GLLA projects Involving Industry

# St. Louis River Interlake Duluth Tar (SLRIDT) Site

- Site impacted with PAHs
- GLLA project – “betterment” to ROD remedy
  - Use Activated Carbon Mat in CAD cap
  - Protect bioactive zone from COCs during cap consolidation
  - Barrier to root penetration
  - Cap thinner, resulting in better habitat
- Cost-share 50% GLLA/50% XIK Corp.
- Total Project Cost < \$3M

# River Raisin GLLA Project

- Innovative In-Kind Example – Creating CDF Disposal Capacity:
  - Use of the adjacent CDF required EPA and MDEQ to create capacity by removing an equal volume (106,000 CY)
  - Testing identified 112,000 CY of material identified as “inert” by MDEQ
  - Material was excavated, dewatered, and stockpiled on Ford property for future use at the site
  - In-kind credit to Ford for value of disposal at landfill



# Supplemental Project – 2012-2015

- During confirmatory sampling of the final DMU, PCB NAPL was discovered above TSCA levels
- Extensive new sampling focused on a 1.2 acre area in Fall 2012, Spring 2013 & Summer of 2014
- The NAPL area was delineated vertically and horizontally
- NAPL located in stiff glacial till/weathered bedrock – dredging challenges expected
- Construction anticipated in Fall 2015
- Partners: GLNPO, MDEQ and Ford

# Many Other Successful Projects

- Ashtabula, Ohio
- Tannery Bay – Sault Ste. Marie, Michigan
- Ottawa River, Toledo, Ohio
- Black Lagoon, Michigan
- Ruddiman Creek, Michigan
- Lower Rouge River, Michigan
- Kinnickinnic River, Wisconsin
- Grand Calumet, Indiana
- Buffalo River, New York

# Questions ?

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# Spirit Lake



# Spirit Lake, St. Louis River AOC, Duluth, MN

- Site impacted with PAHs
- GLLA Project – RI/FS
  - No Further Action ROD for sediment
  - Expected accumulation of clean sediment in a few areas not occurring at rate anticipated
  - Initial Phase - speed was critical – needed to sample on ice!
- Cost-share RI/FS with Industrial non-federal sponsor
- Remedy Selection about to occur
- Classic Legacy Act Example – accelerated sediment remediation; bonus of accelerating upland work
- Strong partnership between GLNPO, MPCA and the non-federal partners